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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09 489,461	01 21 2000	Phong Nguyen	004184.P1004	5879

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EXAMINER

MERLINO, AMANDA H

ART UNIT PAPER NUMBER

2877

DATE MAILED: 07 09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/489,461

Applicant(s)

NGUYEN ET AL.

Examiner

Amanda H Merlino

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 21 January 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 1-20 is/are allowed.
- 6) ☒ Claim(s) 21-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Examiner's Comments

A non-final rejection was originally sent on 5/7/03. However, it appears that it was sent to the wrong address. A change of correspondence address was received by the PTO on 4/28/03 but was not matched up with the application until after the rejection was mailed. As a result, the non-final rejection is being resent to the new address and the period for response has been reset to the new mailing date of the non-final rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 21-24 rejected under 35 U.S.C. 102(b) as being clearly anticipated by Broude et al (5,717,198).

Broude et al teach of a method for projecting a light unto a position at a pellicle and monitoring a change in the detected signal.

Allowable Subject Matter

Claims 1-20 allowed.

As to claims 1-9, the prior of record, taken alone or in combination, fails to disclose or render obvious a method for measuring a dimension of a pellicle, the method comprising the steps of projecting a light beam from a first side of the pellicle and at a first plane above a first surface of the pellicle, projecting the light beam from

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the first side of the pellicle and at a second plane corresponding to a plane of the pellicle and projecting the light beam from the first side of the pellicle and at a third plane below a second surface of the pellicle, in combination with the rest of the limitations of claim 1.

As to claims 10-14, the prior of record, taken alone or in combination, fails to disclose or render obvious an apparatus for measuring a dimension of a photolithography element comprising a light source for projecting a light beam from a first side of the pellicle and at a first plane above a first surface of the pellicle, projecting the light beam from the first side of the pellicle and at a second plane corresponding to a plane of the pellicle and projecting the light beam from the first side of the pellicle and at a third plane below a second surface of the pellicle, in combination with the rest of the limitations of claim 10.

As to claims 15-20, the prior of record, taken alone or in combination, fails to disclose or render obvious a photolithography system comprising a light source for projecting a light beam from a first side of a pellicle and at a first plane above a first surface of the pellicle, projecting the light beam from the first side of the pellicle and at a second plane corresponding to a plane of the pellicle and projecting the light beam from the first side of the pellicle and at a third plane below a second surface of the pellicle, in combination with the rest of the limitations of claim 20.

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Conclusion

Papers related to the application may be submitted to Group 2800 by Fax transmission. Papers should be faxed to Group 2800 via the PTO Fax Machine located in Crystal Plaza 4. The form of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The CP4 Fax Machine number is:

703-308-7722

If the applicant wishes to send a Fax dealing with a Proposed Amendment for discussion for a phone interview then the fax should:

1) Contain either the statement "DRAFT" or "PROPOSED AMENDMENT" on the Fax Cover Sheet; and

2) Should be unsigned by the attorney or agent.

This will ensure that it will not be entered into the case and will be forwarded to the examiner as quickly as possible.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to *Examiner Amanda H. Merlino* whose telephone number is (703) 305-3488. The examiner can be reached on Mondays and Thursdays only.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-0956.

Amanda H. Merlino *ahm*

Patent Examiner

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June 23, 2003/ahm

Frank G. Font
FRANK G. FONT
SUPERVISORY PATENT
EXAMINER